

DOCKET NO: 218958US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MASANORI TAKEUCHI, ET AL. : EXAMINER: THEIN, MARIA T.  
SERIAL NO: 10/057,927 :  
FILED: JANUARY 29, 2002 : GROUP ART UNIT: 3627  
FOR: DATA PROCESSING METHOD, :  
DATA PROCESSING APPARATUS AND  
PORTABLE ELECTRONIC TERMINAL

APPEAL BRIEF

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

This is an appeal from the decision of the Examiner dated March 06, 2009 (hereinafter referred to as “the Official Action”), which finally rejected Claims 10, 11, and 16 in the above-identified patent application. A Notice of Appeal was timely filed on June 04, 2009.

I. REAL PARTY-IN-INTEREST

The real party-in-interest is Toshiba TEC Kabushiki Kaisha.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants’ legal representative, and the assignees are aware of no appeals which will directly affect or be directly affected by or have a bearing on the Board’s decision in this appeal.

### III. STATUS OF CLAIMS

Claims 10, 11, and 16 have been finally rejected and form the basis for this appeal. Claims 1-9 and 19-21 have been withdrawn. Appendix VIII includes a clean copy of appealed Claims 10, 11, and 16.

### IV. STATUS OF AMENDMENTS

An amendment after final rejection was filed to address informalities identified by Applicants. The May 22, 2009 Advisory Action does not reflect whether the amendments were entered. It is assumed for purposes of this brief that the amendments were entered.

### V. SUMMARY OF CLAIMED SUBJECT MATTER<sup>1</sup>

Independent Claim 10 is directed to a data processing apparatus for processing ticket purchasing data. Claim 10 defines:

data communication means **{Figure 3, radio communication means 33 (e.g., a device with blue tooth functionality)}** for executing a data communication with a portable electronic terminal having a data file configured to store owner information identifying an owner of the portable electronic terminal **{page 13, line 20 - page 14, line 4 and page 14, line 24 - page 15, line 3}**;

program transmission means **{Figure 3, radio communication means 33}** for transmitting a program to a portable electronic terminal by the data communication means **{page 13, line 20 - page 14 and page 18, lines 6-20}**, wherein the program causes the portable electronic terminal to display a request to send data screen for selecting whether to

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<sup>1</sup> It is Appellants' understanding that, under the rules of Practice before the Board of Patent Appeals and Interference, 37 C.F.R. § 41.37(c) requires that a concise explanation of the subject matter recited in each independent claim be provided with reference to the specification by page and line numbers and to the drawings by reference characters. However, Appellants' compliance with such requirements anywhere in this document should in no way be interpreted as limiting the scope of the invention recited in all pending claims, but simply as non-limiting examples thereof.

or not to permit the transmission of the stored owner information when the transmission of the owner information is selected on the request to send data screen **{page 18, lines 6-20}**, and to transmit the owner information to the data processing apparatus when the transmission of the owner information is permitted **{page 18, lines 21- page 19, line 23}**;

data reception means **{Figure 3, radio communication means 33}** for receiving the owner information sent from the portable electronic terminal through the data communication means according to the program sent to the portable electronic terminal by the program transmission means **{page 19, lines 7-16}**;

means **{Figure 1, store controller B}** for determining whether a ticketing process should be executed **{Page 22, lines 3-14}**;

means **{Figure 3, CPU 17, Communication I/F 30, and RAM 20}** for confirming a requested ticket through an inquiry to a ticket company via a network when the ticketing process is requested **{Figure 5, steps S3 and S4}**, for receiving information regarding the requested ticket from the ticket company via the network **{Figure 5, steps S4 and S5}**, and for storing the received information as ticket printing data with the owner information received from the portable electronic terminal **{Figure 5 step S7 and page 19, line 24 - page 20, line 2}**; and

means **{Figure 3, Communication I/F 30}** for transmitting and outputting the ticket printing data to a printer **{Page 13, lines 13-16}**.

## VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are (i) whether Claims 10 and 11 are unpatentable under 35 USC 103(a) over U.S. Patent No. 7,392,226 to Sasaki in view of U.S. Patent No. 5,991,749 to Morrill and U.S. patent publication No. 2003/0105641 to Lewis

and whether claim 16 is unpatentable under 35 USC 103(a) over Sasaki in view of Morrill, Lewis and U.S. Patent No. 5,689,503 to Wada.

## VII. ARGUMENTS

Applicant respectfully requests that the rejections under 35 U.S.C. §103(a) be reversed as discussed next.

### **Independent Claim 1**

Claim 10 is directed to a data processing apparatus for processing ticket purchasing data. In the prior art, when a user reserved a ticket on a POS terminal, because the user had to fill out an application form with personal information, the process time was slow.

As a result of the configuration of the present invention, particularly in light of “storing the received information as ticket printing data with the owner information received from the portable electronic terminal,” it is possible to transfer the owner (personal) information stored on the portable electronic terminal to the POS terminal. That is, establishments using the POS terminal of the present invention are able to shorten the processing time for purchasing tickets by using information received from the ticket company as ticket printing data, improve their business efficiency, and reduce mistakes in collecting information. Further, as a consequence of the storing feature, a ticket can be printed with both owner information obtained from the portable electronic terminal (e.g., address, name, phone number, etc.) and information regarding the requested ticket obtained from the ticket provider.

The Official Action acknowledges that Sasaki fails to disclose: (c) displaying a request to send data screen for selecting whether to or not to permit the transmission of stored owner information when the transmission of the owner information is selected on the request

to send data screen; (d) means ... for storing the received information as ticket printing data with the owner information received from the portable electronic terminal; and (e) means for transmitting and outputting the ticket printing data to a printer (hereinafter referred to as features (c), (d), and (e)). However, the Official Action further asserts that Morrill discloses the displaying feature and Lewis discloses means for storing the received information as ticket printing data and means for transmitting and outputting the ticket printing data to a printer. Appellants disagree.

In addition to the deficiencies of the prior art acknowledged in the Office Action, Appellants respectfully point out that Sasaki, Morrill, and Lewis fail to disclose storing the received information as ticket printing data *with the owner information received from the portable electronic terminal*. Further, Sasaki, Morrill, and Lewis also each fail to disclose program transmission means for transmitting a program to the portable electronic terminal by the data communication means, that the program causes the portable electronic terminal to display the request and transmit the owner information, and that, the receiving the owner information sent from the portable electronic terminal through the data communication means, is accomplished according to the program sent to the portable electronic terminal by the program transmission means.

Regarding the “with the owner information received from the portable electronic terminal” claim feature, Lewis discloses storing the received information as ticket printing data. However, Lewis fails to disclose combining the received information regarding the requested ticket and the owner information received from the portable electronic terminal, and storing the combined information as ticket printing data. Thus, Lewis fails to disclose means for storing the received information as ticket printing data with the owner information received from the portable electronic terminal.

Further, Sasaki discloses an EEPROM having a user area 503 which stores personal information 505 (i.e., the name, age, sex, etc.), a public key certificate 506, among other things, as ID information. See Col. 9, lines 34-49 of Sasaki. However, Sasaki fails to disclose or suggest what information is transmitted when ID transmission button 313 is pressed. Rather, Sasaki merely discloses that “[n]umeral 313 denotes a button for transmitting the ID information stored in the terminal....” See Col. 7, lines 46-48 of Sasaki.

Therefore, Sasaki, Morrill, and Lewis, when considered alone or in combination fail to suggest or teach combining the received information from a ticket company and the owner information received from the portable electronic terminal, and printing the combined information on a ticket.

The Official Action asserts that Sasaki teaches features (c), (d), and (e). Appellants disagree. Sasaki does disclose a mobile user terminal 100 which includes the ID transmission button 313 and ROM 402 which stores programs. However, Sasaki fails to disclose or suggest that any of the programs is transmitted between the mobile user terminal 100 and another terminal.

Thus, Appellants respectfully submit that Morrill, Lewis and Sasaki in combination do not obtain the unexpected results of the present invention (i.e., shortening the processing time for purchasing tickets by using information received from the ticket company as ticket printing data, improving business efficiency, and reducing mistakes in collecting information).

Thus, Appellants respectfully submit that Sasaki et al. do not anticipate or render obvious the subject matter defined by claim 10 when considered alone or in combination with Morrill and Lewis. The dependent claims are believed to be allowable for at least the same reasons that claim 10 is believed to be allowable.

Conclusion

It is respectfully requested that the outstanding rejections be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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VIII. CLAIMS APPENDIX

10. (Rejected) A data processing apparatus, comprising:

data communication means for executing a data communication with a portable electronic terminal having a data file configured to store owner information identifying an owner of the portable electronic terminal;

program transmission means for transmitting a program to the portable electronic terminal by the data communication means, wherein the program causes the portable electronic terminal to display a request to send data screen for selecting whether to or not to permit the transmission of the stored owner information when the transmission of the owner information is selected on the request to send data screen, and to transmit the owner information to the data processing apparatus when the transmission of the owner information is permitted;

data reception means for receiving the owner information sent from the portable electronic terminal through the data communication means according to the program sent to the portable electronic terminal by the program transmission means;

means for determining whether a ticketing process should be executed;

means for confirming a requested ticket through an inquiry to a ticket company via a network when the ticketing process is requested, for receiving information regarding the requested ticket from the ticket company via the network, and for storing the received information as ticket printing data with the owner information received from the portable electronic terminal; and

means for transmitting and outputting the ticket printing data to a printer.



11. (Rejected) A data processing apparatus according to claim 10, wherein the processing apparatus is a product sales data processing apparatus for processing the product sales data.

16. (Rejected) A data processing apparatus according to claim 10, wherein when data communication with one of the portable electronic terminals is established by the data communication means, the data communication means excludes communication with other portable electronic terminals.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.